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IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 30, Original

STATE OF MICHIGAN,

Plaintiff,

vs.

STATE OF OHIO,

Defendant,

ANSWER

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ANSWER

The State of Ohio, by its Attorney General, William B. Saxbe, in answer to the Complaint of the State of Michigan, admits:

1. That the boundary between Ohio and Michigan was established by Act of The Congress of the United States in 1836 by 5 Stat. 49 being titled "An Act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the condition therein expressed";

2. That the northern boundary of Ohio was settled and established by Act of The Congress of the United States in 1836 by 5 Stat. 56, 57 being titled "An Act to settle and establish the northern boundary line of the State of Ohio";

3. That the State of Ohio has exercised jurisdiction, control and ownership of the triangular area of Lake Erie described by the State of Michigan in its Complaint at page 9, No. 2 and has subdivided the area for the purposes of issuing leases.

Further answering, the State of Ohio denies:

1. That no understanding resolving the location of the boundary line has been arrived at by any official action;

2. That the projected extension of the land boundary line on the same course, from the north cape of the Maumee (Miami) Bay to the international boundary in Lake Erie between the United States and Canada which was described on the reproduction of the general map which accompanied Captain Talcott's report of December 14, 1835, and which was attached to the Complaint, describes the boundary between the States of Ohio and Michigan in Lake Erie;

3. That the boundary between the States of Ohio and Michigan claimed by the State of Ohio is contrary to the intent of Congress in the enactment of the aforesaid acts, 5 Stat. 49 and 5 Stat. 56, 57, *supra*, establishing and settling such boundary;

4. That any arrests made by the State of Ohio in the triangular area of Lake Erie described by the State of Michigan in its Complaint at page 9, No. 2, are unlawful for the reason that they were made by the State of Ohio;

5. That the exercise of jurisdiction, control and ownership of the triangular area described by the State of Michigan in its Complaint at page 9, No. 2 and the subdivision of that area for the purposes of issuing leases is contrary to any right of the State of Michigan;

6. That it was the intent of Congress in the enactment of 5 Stat. 49 and 5 Stat. 56, 57, *supra*, that the northern

boundary of the State of Ohio was to be an extension of the land boundary line between the two States.

Further answering, the State of Ohio says:

1. That the boundary line between the States of Ohio and Michigan from the most northerly cape of the Maumee (Miami) Bay to the international boundary in Lake Erie between the United States and Canada departs from the direction of the land boundary line between the two states and begins the course North 45° East from the most northerly cape of Maumee (Miami) Bay to the international boundary in Lake Erie between the United States and Canada;

2. That the location of the most northerly cape of the Maumee (Miami) Bay as such point was referred to in 5 Stat. 49, and 5 Stat. 56, 57, *supra*, may be established by extending the land boundary line to a point at which it would intersect a line run South 45° West from the center of a circular concrete sea wall in the center of Turtle Island which is located approximately at latitude 41° 45′ 08.8″ and longitude 83° 23′ 28.8″ according to primary triangulation of the United States lake survey published in 1882;

3. That the State of Michigan has acquiesced in the exercise of jurisdiction, control and ownership of the State of Ohio to the triangular area of Lake Erie described by the State of Michigan in its Complaint at page 9, No. 2 and has acquiesced in the exercise of jurisdiction, control and ownership of such area.

WHEREFORE, having answered, the State of Ohio prays that this Court:

1. Establish by its order that the boundary between the States of Ohio and Michigan from the most northerly cape of the Maumee (Miami) Bay to the international boundary in Lake Erie between the United States and Canada is a

line run from the most northerly cape of the Maumee (Miami) Bay on a course North 45° East to such international boundary;

2. Establish by its order that the most northerly cape of the Maumee (Miami) Bay is the point at which an extension of the land boundary line would intersect a line run South 45° West from the center of a circular concrete sea wall in the center of Turtle Island which is located approximately at latitude 41° 45′ 08.8″ and longitude 83° 23′ 28.8″ according to primary triangulation of the United States lake survey published in 1882.

Respectfully submitted,

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